

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

v.

Criminal No. 16-cr-20414

Honorable Avern Cohn

D-1 DEMARCO TEMPO,
D-2 HARATIO HEARD,
D-4 DARIUS GORDON,
D-5 ALVIN COATES,
D-7 GREG HOWARD,
D-10 MARCUS GILBERT, and
D-11 KENNETH SADLER,

Defendants.

ORDER

The government's Motion to Reconsider Oral Discovery Order Regarding Pretrial Witness Identification, filed under seal on September 18, 2017, is granted. The Court has considered the government's proffered case-specific concerns with respect to early disclosure of victim-witness names, and the government's proposed alternative resolution. The Court is also mindful of its interests in the orderly administration of justice, in minimizing the risk of unfair prejudice to the parties, and in avoiding further delay.

Accordingly, IT IS HEREBY ORDERED that the government and defense will exchange witness lists fourteen days before trial. Those witness lists will be provided pursuant to the existing protective order governing discovery. The government will specifically identify the names of victim-witnesses, and the defense counsel will not share those particular names with their clients until trial begins.

IT IS FURTHER ORDERED that the government promptly on receipt will provide any medical records (with names redacted) that the government obtains for victim-witnesses who allegedly overdosed on the organization's drugs.

The parties shall comply with this order in good faith, including by supplementing provided witness lists with new witnesses as soon as they are identified by the parties as witnesses they may call. However, noncompliance with this order will not provide grounds for suppression of witness testimony if, for example, a witness or his or her importance to the case is identified after the provision of the list.

s/Avern Cohn
Avern Cohn
United States District Judge

Entered: September 26, 2017